

SUPREME JUDICIAL COURT

Boston, Massachusetts 02108

NOTICE OF APPROVAL

Notice is hereby given that the Supreme Judicial Court has approved and promulgated rules as further indicated below.

MARGARET MARSHALL

Chief Justice

1. Court Submitting Rules for Approval:

Appeals Court

2. Date Rules Submitted for Approval:

February 3, 2010

3. Date Approved and Promulgated by the Supreme Judicial Court:

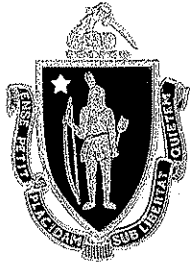
March 31, 2010

4. Rules or Rules, or Amendments Thereto, Approved and Promulgated:

Adoption of Standing Order Regarding the Filing of Certain
Motions and Letters

Effective date: May 1, 2010

(The original of this notice is to be filed in the office of the Clerk of the Supreme Judicial Court for the Commonwealth, and a copy to be sent by the Clerk to the court which requested approval of the rules.)



COMMONWEALTH OF MASSACHUSETTS
THE APPEALS COURT
BOSTON, MASSACHUSETTS 02108

PHILLIP RAPOZA
CHIEF JUSTICE

February 3, 2010

Honorable Roderick Ireland
Chair, SJC Rules Committee
Supreme Judicial Court
John Adams Courthouse
Boston, MA 02108

Re: Adoption of Standing Order Regarding the Filing of Certain Motions and Letters

Dear Justice Ireland:

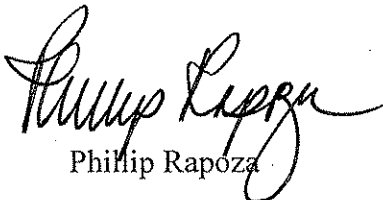
Enclosed please find an order of the Justices of the Appeals Court adopting our Standing Order Regarding the Filing of Certain Motions and Letters.

The Appeals Court solicited public comment on the proposed standing order. Four comments were received, and none opposed the proposal.

The Standing Order will require litigants represented by counsel to file with the Appeals Court an electronic copy of certain documents, all of which typically are filed after oral argument or the Court's decision (e.g., Rule 16(l) letters, petitions for rehearing, motions for attorney's fees, to stay or for immediate issuance of the rescript, and any opposition to the foregoing). Receipt of electronic copies of these documents will allow the Court to track and process them more reliably and efficiently. The formatting requirements are designed to allow an automated transfer of the document from the CD-ROM or email to the Court's document management system, where it will be instantly available to the Justices and court personnel. In addition, the standing order will aid the bar by reducing the cost of providing multiple copies of certain motions and letters. Finally, the experience that the Court and the bar will gain from dealing with electronically filed versions of the designated documents will be helpful in thinking about and planning for broader e-filing opportunities.

I respectfully request that the Supreme Judicial Court approve the adoption of this standing order.

Yours truly,


Phillip Rapoza

PR/md

**STANDING ORDER REGARDING THE FILING OF
CERTAIN MOTIONS AND LETTERS**

It is ORDERED that:

A. Filing Electronic Copies. When a party files any of the below listed motions or letters with the court, or files any opposition thereto, in cases other than those pending before a single justice, the filer shall, in addition to a paper copy, provide the court with a searchable PDF (portable document format) copy of the motion or letter, and any accompanying documents, either (a) on a CD-ROM, or (b) by an email, to which the PDF copy is attached, sent to emotions@appct.state.ma.us. This requirement applies to the following motions and letters:

1. motion for attorney's fees and costs
2. motion to expand the record on appeal
3. motion for admittance pro hac vice
4. petition for rehearing
5. motion to enlarge time for filing petition for rehearing
6. motion to stay issuance of the rescript
7. motion for immediate issuance of the rescript
8. Mass.R.A.P. 16 (1) letters
9. letters, information, or status reports requested or ordered by the Appeals Court, and
10. an opposition to any of the foregoing.

B. Formatting Requirements for PDF Document Name. The PDF document name shall consist of (a) an abbreviated docket number, e.g. 09P0023 (i.e., a two digit year followed, without a space, by a "P" followed, again without a space, by the last four digits of the docket number); (b) followed by a hyphen; (c) followed by a description of the filing containing no more than 56 characters, indicating what it is and who filed it. Sample acceptable document names are:

1. 08P0826-Deft_Petition_for_Rehearing.pdf;
2. 07P1238-Appellee_16(1)_letter.pdf;
3. 07P1051-Defendant_McCarthy_Motion_for_Fees.pdf

The CD-ROM and email filing requirements are waived for self-represented litigants.

COMMENT

This standing order is designed to allow more prompt and efficient docketing and distribution of certain motions and letters that require review by a panel of Justices. The Order also is designed to aid the bar by reducing the cost of providing multiple copies of certain motions and letters. Finally, the order is designed as a pilot so that both the court and the bar can continue exploration of the benefits and challenges of electronic document filing. The formatting requirements are designed to allow an automated transfer of the document from the CD-ROM or email to the Court's document management system, where it will be instantly available to the Justices and court personnel.